

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

TRAXXAS LP,)	
)	
Plaintiff)	
)	
v.)	
)	Civil Action No. _____
HOBBY SHACK d/b/a)	
GLOBAL HOBBY DISTRIBUTORS,)	JURY
)	
Defendant)	

ORIGINAL COMPLAINT WITH JURY DEMAND

For its complaint herein, Plaintiff Traxxas LP avers as follows.

1. Plaintiff, Traxxas LP (hereinafter Traxxas) is a corporation organized and existing under the laws of the state of Texas having its principal place of business at 1100 Klein Road, Plano, TX 75074.
2. Upon information and belief, Defendant Hobby Shack is a corporation organized and existing under the laws of the state of California having its principal place of business at 18480 Bandilier Circle, Fountain Valley, CA 92708.
3. This action arises under the patent laws of the United States, Title 35 of the United States Code and particularly 35 U.S.C. § 271.
4. This Court has jurisdiction over the claims Traxxas is asserting under 28 U.S.C. § 1338 and venue is proper under 28 U.S.C. § 1391(b).
5. On November 20, 2012, United States Patent No. 8,315,040 (hereinafter '040 patent) was duly and legally issued to Plaintiff Traxxas for a protective enclosure invention. A copy of the '040 patent is annexed hereto as Exhibit A.

6. Plaintiff Traxxas owned the '040 patent throughout the period of Defendant Hobby Shack's infringing acts and still owns the patent.

7. Defendant Hobby Shack does business under the name Global Hobby Distributors at the website www.globalhobby.com.

8. Defendant Hobby Shack imports, offers for sale, sells, and uses radio control model trucks identified as DHK 8135 Hunter SCT and DHK 8331-A Hunter BL SCT (hereinafter Hunter trucks). The Hunter trucks include protective enclosures which protect their radio control receivers. The protective enclosures embody the patented invention.

9. On January 13, 2014, Traxxas sent Hobby Shack a letter demonstrating the infringing nature of the Hunter trucks' protective enclosures and demanding Hobby Shack cease its infringing activities.

10. Upon information and belief, Defendant Hobby Shack has sold the Hunter trucks to customers located in this judicial district.

11. Defendant Hobby Shack has infringed the '040 patent by importing, offering for sale, selling, and using protective enclosures that embody the patented invention.

12. Plaintiff Traxxas has complied with the statutory requirement of placing a notice of the '040 patent on all protective enclosures it manufactures and sells and has given Defendant Hobby Shack written notice of the infringement.

JURY DEMAND

13. Plaintiff Traxxas hereby demands trial by jury of all issues so triable.

RELIEF

14. As a result of Hobby Shack's acts, Traxxas has been damaged. Therefore, Traxxas demands:

- (a) a preliminary and final injunction against the continuing infringement;
- (b) an accounting for damages;
- (c) interest and costs; and
- (d) such other and further relief as is just.

Date: February 13, 2014

Respectfully submitted,
TRAXXAS LP

By: /s/ Gregory W. Carr
GREGORY W. CARR – Lead Attorney
Texas Bar No. 03855500
CARR LLP
6170 Research Road
Suite 111
Frisco, Texas 75033
Tel.: (214) 760-3000
Fax: (214) 760-3003
Email: gcarr@carrip.com

ATTORNEYS FOR PLAINTIFF
TRAXXAS LP